

**ADDENDUM TO COMMENTS OF WAYNE G. STRANG, NOTICE OF PROPOSED RULEMAKING  
(NPRM) IN THE MATTER OF THE TELEPHONE CONSUMER PROTECTION ACT, DOCKET  
#05-338, SUBMITTED ON 01/06/06**

I would ask the Commission to consider the following paragraph as an addition to my comments on the implementation of the Junk Fax Prevention Act that were submitted on 01/06/06. New material is italicized.

Please change the paragraph discussing section A., on page 4 to read:

"Finally, the Commission must make it absolutely clear that if the sending party or advertiser is not properly identified, the EBR does not exist.<sup>12</sup> *The entity identified must be the entity claiming the EBR. If the EBR is claimed by the advertiser for example, the identification on the fax must be that of the advertiser. If the junk faxer is claiming the EBR, the identification on the fax must be that of the junk faxer.*

*The Commission should also take this opportunity to clarify the rules for identification and establish consistency with the identification requirements for prerecorded voice messages. The Commission must make clear that the name of the entity transmitted on the fax must be the, '...name under which the entity is registered to conduct business with the State Corporation Commission (or comparable regulatory authority)...' I am currently dealing with a mortgage company that uses a 'doing business as' designation that is the fictitious business name of an unrelated corporation. They then claims that that is sufficient identification under the law because it is a name that they use. They have not, however, listed that name in any public document nor have they registered the name as being a name they do business under. This makes it, by design, extremely difficult to trace back to them. The Commission has ample authority to make this clarification under the JFPA."* [footnote text from original omitted]

I thank the Commission for considering this Addendum.

Wayne G. Strang